

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

105 STREET ASSOCIATES, LLC,

Plaintiff, : 05 CV 9938 (VM) (DCF)

-against-

GREENWICH INSURANCE COMPANY,

STIPULATION - ORDER

Defendant.

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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the respective parties herein, that:

1. It is stipulated that, on April 20, 2004, Donald Capoccia was the registered agent for service of process upon 105 Street Associates LLC and BFC Partners, L.P.

2. Within fifteen days from the date hereof, Plaintiff's counsel will deliver to Defendants' counsel all documents, if any, relating to and/or referencing communications, prior to the filing of the within action, between 105 Street Associates LLC, BFC Construction Corp. and/or BFC Partners L.P. on the one hand, and counsel for such entities on the other, concerning the lateness *vel non* of notice given to Greenwich Insurance Company of the occurrence involving Richard Conrad and/or of the lawsuit commenced by Richard Conrad against such entities. The parties agree that production of any such documents shall not

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constitute, or be deemed to constitute, a waiver of any privilege, including attorney-client privilege and work-product privilege, and Defendant agrees not to assert any such waiver. Plaintiff reserves all rights to contest the admissibility of such documents for any purpose in this or in any subsequent action between the parties on any grounds, including but not limited to privilege and relevance.

3. Except as set forth above, discovery is concluded.

4. The time by which the parties shall meet for at least one hour to discuss settlement is hereby extended to and including February 28, 2007.

5. All dispositive motions shall be filed by March 30, 2007.

Dated: New York, New York
February 26, 2007

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SO ORDERED: 3/6/07

Debra Freeman
U.S.M.J.

Debra Freeman
United States Magistrate Judge
Southern District of New York